



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Friday, the Eleventh day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.5527 of 2020

IN

CRL A(MD) No.32 of 2020

KARTHIKEYAN

... PETITIONER/APPELLANT/ACCUSED

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,

NIBCID, TUTICORIN.

CRIME NO.34 OF 2018.

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the conviction and sentence passed by 1<sup>st</sup> Additional Special Court for NDPS Act Cases, Madurai in CC.No.57 of 2019 dated 19.11.2019 pending disposal of this appeal.

Prayer in CRL A(MD) No.32 of 2020:

To set aside the Judgment and Conviction dated 19.11.2019 by the learned I Additional Special Court for NDPS Act Cases, Madurai in C.C.No.57 of 2019 and acquit the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.BALATHANDAYUTHAPANI, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.



2. It is seen that the petitioner has been convicted by the I Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.57 of 2019 for the offence under Section 8(c) r/w 20(b) (ii) (C) of NDPS Act r/w 34 of I.P.C. and 29 (1) of NDPS Act and was sentenced to undergo 12 years rigorous imprisonment and to pay compensation of Rs.1,00,000/- (Rupees One Lakh only), in default to undergo 2 years simple imprisonment, by the judgment dated 19.11.2019.

3. As against the said conviction and sentence, the petitioner has preferred an appeal in Crl.A (MD)No.32 of 2020. Along with the appeal, he has filed an application in Crl.M.P.(MD)No.376 of 2020, for suspension of sentence pending disposal of the said appeal. That petition was dismissed by this Court. Against which, the petitioner filed this petition for suspension of sentence.

4. On the side of the petitioner, it is stated that fine amount was already paid by the petitioner. The earlier petition was dismissed by this Court on 05.08.2020, in Crl.M.P.(MD)No.376 of 2020. The petitioner is a Government Servant, working in the Department of Agriculture and he is the only breadwinner for his family. His sons are studying in School. There is no chance for the petitioner to abscond. The petitioner is in custody for the past 2 ½ years and prayed the sentence to be suspended.

5. On the side of the prosecution, it is stated that the earlier petition was dismissed by this Court. The contraband seized was of commercial quantity and were recovered in the presence of the petitioner. Co-accused A1, who was the owner of the premises, fled away from the clutches of law. There is no change of circumstances and prayed the petition to be dismissed.

6. It is seen that the petitioner was arrayed as A2 in the case. The earlier petition filed by the petitioner was dismissed by this Court on 05.08.2020. The contraband was seized in the presence of the petitioner, which is commercial quantity, more than 400 Kg. Already records are received from the lower Court. The matter is ripe for arguments. Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-  
11/12/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1.THE I ADDITIONAL SPECIAL COURT FOR  
NDPS ACT CASES, MADURAI.

<https://hcservices.hcscs.gov.in/cse/cas>



2.THE DEPUTY SUPERINTENDENT OF POLICE,  
NIBCID, TUTICORIN.

3.THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP (MD) No.5527 of 2020  
IN  
CRL A (MD) No.32 of 2020  
Date :11/12/2020

LS  
JM/VR/SAR III/17.12.2020/3P/5C